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ON PETITION

In re Application of
Ryoichi Hori et al
Serial No. 06/562,969
Filed: December 19, 1983
Attorney Docket No. 501.20600X00

This is a decision on the petition under 37 CFR 1.182, filed July 24, 1991, requesting entry of an amendment to an abandoned application to insert a reference to an earlier filed application, pursuant to the provisions of 35 U.S.C. 120.

The petition is granted to the extent indicated below.

The file record discloses that this application was copending with earlier filed application Serial No. 368,162. This application became abandoned before a specific reference was made in this application to the earlier filed application, Serial No. 368,162. Petitioner requests that this abandoned application be amended by inserting a reference to the earlier filed application.

35 U.S.C. 120 permits entry of a subsequent amendment of an abandoned application to include the benefit of an earlier filing date for purposes other than prosecution. Sampson v. Commissioner of Patent and Trademarks, 195 USPQ 136.

In view thereof, the request for entry of an amendment to insert a reference to earlier filed application Serial No. 368,162 in the above-identified application is granted. However, since the amendment is being entered into an abandoned application, the amendment will not be considered part of later-filed FWC Application No. 07/140,628 which issued as U.S. Patent No. 4,916,389. If benefit of Serial No. 368,162 is desired for U.S. Patent No. 4,916,389, a reissue application must be filed to correct the error.

The amendment submitted with the petition is entered in Serial No. 562,969 only to the extent indicated above.

The application file is being forwarded to Files Repository.



Jeffrey V. Nase
Supervisory Petitions Examiner
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